

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**STEVEN J. GARVIN,
DIANE GARVIN and I.S.P. CO.,
A West Virginia Corporation**

Plaintiffs,

v.

Civil Action No.: 1:04cv73

**SOUTHERN STATES INSURANCE
EXCHANGE COMPANY, ANN BORAAS,
and DAVID BURTON,**

Defendants.

OPINION/ORDER

This matter is before the Court pursuant to “Plaintiffs’ Motion to Compel and Memorandum in Support Thereof” [DE 51]. This matter was referred to the undersigned by Chief United States District Judge Irene M. Keeley on October 4, 2006 [DE 52]. No response to the motion has been filed, and the time for filing of responses has passed.

For reasons apparent to the Court, Plaintiffs’ Motion to Compel [DE 51] is **GRANTED**. Defendants shall serve their responses to the outstanding discovery requests on or before November 6, 2006. The Court further finds that Defendants have **WAIVED** any objections to the discovery requests with the possible exception of attorney-client privilege, work product doctrine, and privacy objections. Should Defendants object to any requests, Plaintiffs shall, within twenty (20) days of service of the responses, file any additional motion they deem necessary. This is not to say that the Court will not find Defendants have waived any such objections, only that the Court does not

address the issue at this time.

Pursuant to F.R. Civ. P. 37(a)(4), Plaintiffs may file and serve, on or before October 27, 2006, a statement of fees and costs necessitated by the filing of the Motion to Compel. If Plaintiffs file such a statement of fees and costs, Defendants shall file and serve any objection thereto on or before November 6, 2006. Should both a request for costs and fees and an objection thereto be filed, the Court will schedule a hearing in order that the parties may be heard on the issue.

The Clerk is directed to send copies of this Order to all counsel of record.

It is so **ORDERED**.

Dated: October 19th, 2006.

/s *John S. Kaul*

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE